UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
---X
MPD ACCESSORIES, B.V.,

Plaintiff,

-against -

URBAN OUTFITTERS, INC.,
GMA ACCESSORIES INC., *et al.*

Defendants.
---X

Civil Action No.: 12 CV 6501 (LTS)(KNF)

COUNTER RULE 56.1 STATEMENT

Pursuant to Local Civil Rule 56.1, Defendants dispute the following paragraphs of Plaintiff's 56.1 Statement:

1. Denied. The alleged agreement is dated well after it supposedly was entered into and is ineffective in that it does not contain an assignment from the artist.
2. Denied. Tongshi factory created the designs. See Declaration of Nadia Mirza dated November 12, 2013 and Memorandum of Law in Opposition dated November 12, 2013.

4. Tongshi factory created the designs. See Declaration of Nadia Mirza dated November 12, 2013 and Memorandum of Law in Opposition dated November 12, 2013.

6. Denied. Tongshi factory created the designs. See Declaration of Nadia Mirza dated November 12, 2013 and Memorandum of Law in Opposition dated November 12, 2013.

7. Tongshi factory created the designs. See Declaration of Nadia Mirza dated November 12, 2013 and Memorandum of Law in Opposition dated November 12, 2013.

9. Denied to the extent that MPD claims its scarves are sold at higher price points in that no comparison with price points of other scarf companies is provided.

10. Denied. See Memorandum of Law in Opposition dated November 12, 2013

26. Denied. Tongshi factory created the designs. See Declaration of Nadia Mirza dated November 12, 2013 and Memorandum of Law in Opposition dated November 12, 2013.

Defendants respectfully submit the following facts as to which there is no genuine dispute:

1. Plaintiff MPD has referenced two of the disputed designs as follows: A star design as style #4.78.710.0 (Docket Entry 140-4). A stripe design as style #5.78.703.0 (Docket Entry 139-3).
2. Kate Chen ("Chen") is an employee at Tongshi, Tongxiang Tongshi Fashion Co., LTD, ("Tongshi") a factory based in China.
3. Joris Drontmann, ("Drontmann") is one of the owners of MPD, Corine Kamp ("Kamp") is a designer at MPD, Suzanne Bruijnzeel, ("Bruijnzeel") is an employee at MPD, and Nelly Gerssenn, ("Gerssenn") is an employee at MPD.
4. In the year 2011 Tongshi created the star design and sent it to MPD, and specifically to Kamp and Drontmann for their approval. See Declaration of Nadia Mirza dated November 13, 2013 2013, Exhibits A, B and C.
5. Tongshi set the final prices for the items and merchandise that it sold to MPD. See Declaration of Nadia Mirza dated November 13, 2013 2013, Exhibits D.

Dated: New York, New York
November 12, 2013

Respectfully submitted,
THE BOSTANY LAW FIRM, PLLC

/Charen Kim
By: Charen Kim
Attorneys for Plaintiff
75 Wall Street, Ste. 24F
New York, New York 10005